



GUIDE TO SUBMITTING
BALLOT ARGUMENTS
FOR PUBLICATION IN THE
SAN FRANCISCO VOTER INFORMATION PAMPHLET



CONSOLIDATED GENERAL MUNICIPAL ELECTION
NOVEMBER 8, 2005

DEPARTMENT OF ELECTIONS
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102
415- 554-4375

The Department of Elections is open
Monday through Friday,
8:00 a.m. - 5:00 p.m.

NOTE:

Ballot arguments must be submitted
no later than noon
on the date indicated in this Guide.



TABLE OF CONTENTS

I.	Introduction	3
II.	Calendar for Submitting Ballot Arguments	4
III.	Before Submitting Ballot Arguments . . .	7
	<ul style="list-style-type: none">• About the San Francisco Voter Information Pamphlet• Public Review of Ballot Simplification Committee Digests, Financial Analyses and Other Material that will be Printed in the Voter Information Pamphlet	
IV.	Who May Submit Ballot Arguments?	8
V.	Proponent and Opponent Arguments	9
	<ul style="list-style-type: none">• Selection of Proponent and Opponent Arguments• Assignment of Proponent and Opponent Arguments	
VI.	Rebuttal Arguments	11
	<ul style="list-style-type: none">• Assignment of Rebuttal Arguments	
VII.	Paid Arguments	12
	<ul style="list-style-type: none">• Submission of Proposed Proponent and Opponent Arguments as Paid Arguments• Payment of Fee & Disclosure of True Source of Payment• Submission of Petition Signatures in Lieu of Fee• Underpayment, Overpayment & Refunds	
VIII.	How to Submit a Ballot Argument: Procedures & Requirements	14
	<ul style="list-style-type: none">• Draft the Argument<ul style="list-style-type: none">▪ The Word Limit & Rules for Counting Words▪ Obtain a <i>Consent Form</i> From Each Person Mentioned in the Argument• Complete the <i>Ballot Argument Control Sheet</i><ul style="list-style-type: none">▪ Specify Formatting (How the Argument Should Appear in Print)▪ Obtain <i>Signature Authorization</i> From Each Author▪ Specify How Each Author Should be Identified• Submit the Material to the Department of Elections.<ul style="list-style-type: none">▪ Submit a <i>Ballot Argument Control Sheet</i> (including <i>Signature Authorization</i> by each author) and any <i>Consent Forms</i>▪ Submit an Electronic Copy of Each Argument on a Separate Computer Disk▪ Provisional Acceptance & Notice of Defective Submission▪ Refunds• Proofread the Typeset Argument	
IX.	Correction, Modification and Withdrawal of Ballot Arguments	18
X.	Public Review and Challenges to Ballot Arguments	19
XI.	Answers to Frequently Asked Questions	20

I. INTRODUCTION

This guide summarizes the procedures and requirements for submitting ballot arguments for publication in San Francisco's Voter Information Pamphlet for the November 8, 2005 election. This guide also answers some of the most frequently asked questions about these procedures and requirements. This guide does not have the force and effect of law, regulation or rule, and if there is a conflict the law, regulation or rule applies.

The Department of Elections recommends that each person submitting a ballot argument carefully proofread and count the words of the argument, and submit the argument before the legal deadline. All signatures and other supporting documents must also be submitted on or before the deadline, and the Department has no authority to extend the deadline.

The Department of Elections also recommends that each person submitting a ballot argument pay particular attention to section VIII of this guide, which describes the procedures and requirements for submitting arguments, provisional acceptance of such arguments by the Department, notification of defective submissions, and procedures for correcting defective submissions.

The Department of Elections will hold a Brown Bag lunch meeting on Wednesday, August 17, 2005 at noon in City Hall, room 48, to discuss the procedures and requirements for submitting ballot arguments. The Department encourages everyone who may be interested in submitting a ballot argument to attend. Please bring your questions, ideas and other interested people, along with your lunch.

If you have questions about this guide, please call the Department of Elections at 554-4375.

**II. CALENDAR
FOR
SUBMITTING BALLOT ARGUMENTS**

DATE (and number of days before election day)	EVENT
July 11 (E-120) SF MEC § 300 ¹	LAST DAY TO SUBMIT INITIATIVE MEASURES This is the last day to submit to the Department of Elections initiative petitions to qualify an ordinance, declaration of policy or charter amendment for the ballot.
July 29 (E-102) SF MEC § 300	LAST DAY TO SUBMIT CHARTER AMENDMENTS & BOND MEASURES This is the last day for the Board of Supervisors to submit to the Department of Elections charter amendments and bond measures. The Director of Elections may accept one charter amendment or bond measure after E-102 but no later than E-95.
Aug. 1 – Aug. 15 (E-99 – E-85) SF MEC § 515, 600 et seq.	BALLOT SIMPLIFICATION COMMITTEE MEETINGS The Ballot Simplification Committee meets to prepare digests of local ballot measures for publication in the City's Voter Information Pamphlet.
Aug. 10 (E-90) SF MEC § 300	LAST DAY TO SUBMIT ORDINANCES & DECLARATIONS OF POLICY This is the last day for the Mayor, Board of Supervisors, and four members of the Board of Supervisors to submit to the Department of Elections ordinances and declarations of policy.
Aug. 11, 11am (E-89) SF MEC § 505	DESIGNATION OF LETTERS FOR BALLOT MEASURES The Department of Elections designates letters for local ballot measures.
Aug. 15 (E-85) SF MEC § 520	FINANCIAL ANALYSIS This is the last day for the Controller to submit to the Department of Elections a financial analysis of each measure submitted to the voters, including an estimate of the increase or decrease in the cost of government.
Aug. 15 (E-85) SF MEC § 520	BALLOT QUESTIONS This is the last day for the City Attorney to Submit to the Department of Elections ballot statements or questions.
Aug. 16 noon – Aug. 26 noon (E-84 – E-74) SF MEC § 590	PUBLIC INSPECTION PERIOD: BALLOT DIGESTS, FINANCIAL ANALYSIS & BALLOT QUESTIONS Period of public review for the Ballot Simplification Committee's digests, the Controller's financial analysis, and the City Attorney's ballot statements or questions.

¹ Unless otherwise specified, this guide refers to the San Francisco Municipal Elections Code (SF MEC).

Aug. 17, noon (E-83)	BROWN BAG LUNCH: Q & A ON SUBMISSION OF ARGUMENTS The Department of Elections will provide an overview and answer questions about submission of ballot arguments for publication in the Voter Information Pamphlet. Anyone who may be interested in submitting ballot arguments is encouraged to attend. The meeting will be held at the Department of Elections, City Hall, room 48.
Aug. 17, noon (E-83)	FIRST DAY TO SUBMIT PROPONENT, OPPONENT & PAID ARGUMENTS This is the first day to submit proponent, opponent and paid ballot arguments to the Department of Elections. The Department encourages early filing.
Aug. 19, noon (E-81) SF MEC § 535	LAST DAY TO SUBMIT PROPONENT & OPPONENT ARGUMENTS This is the last day to submit proponent and opponent ballot arguments to the Department of Elections. All signatures and other supporting documents are due at the time the argument is submitted to the Department. The Department has no authority to extend this deadline.
Aug. 19, 2 pm (E-81) SF MEC § 545	SELECTION OF PROPONENT AND OPPONENT ARGUMENTS If the Department of Elections receives more than one proposed proponent or opponent argument for a measure, the Department will select one proponent and one opponent argument for the measure according to priority levels set by ordinance and, if necessary, by lottery.
Aug. 22, noon (E-78) SF MEC § 535	LAST DAY TO CORRECT GRAMMATICAL ERRORS IN PROPONENT & OPPONENT ARGUMENTS This is the last day for the authors of proponent and opponent ballot arguments to correct errors in grammar and spelling in their arguments.
Aug. 23, noon – Sept. 5, noon (E-77 – E-64) SF MEC § 590	PUBLIC INSPECTION PERIOD: PROPONENT & OPPONENT ARGUMENTS Period of public review of proponent and opponent arguments.
Aug. 23, noon (E-77) SF MEC § 535	LAST DAY TO SUBMIT REBUTTAL ARGUMENTS This is the last day to submit rebuttal arguments to the Department of Elections. All signatures and other supporting documents are due at the time of submission. The Department of Elections has no authority to extend this deadline.
Aug. 24, noon (E-76) SF MEC § 535	LAST DAY TO SUBMIT PAID ARGUMENTS This is the last day to submit paid ballot arguments to the Department of Elections. All fees and/or petitions in lieu of fees, and all signatures and other supporting documents are due at the time the argument is submitted to the Department of Elections. The Department of Elections has no authority to extend this deadline.
Aug. 25, noon (E-75) SF MEC § 535	LAST DAY TO CORRECT ERRORS IN REBUTTAL ARGUMENTS This is the last day for the authors of rebuttal ballot arguments to correct errors in grammar and spelling in their arguments.
Aug. 25, noon – Sept. 5, noon (E-75 – E-64) SF MEC § 590	PUBLIC INSPECTION PERIOD: REBUTTAL ARGUMENTS Period of public review for rebuttal arguments.
Aug. 25, noon (E-75) SF MEC § 535	LAST DAY TO CORRECT ERRORS IN PAID ARGUMENTS This is the last day for the authors of paid ballot arguments to correct errors in grammar and spelling in their arguments.

Aug. 26, noon – Sept. 5, noon (E-74 – E-64) SF MEC § 590	PUBLIC INSPECTION PERIOD: PAID ARGUMENTS Period of public review for paid ballot arguments.
October 24 (E-15) CEC §2102	LAST DAY TO REGISTER TO VOTE Closing date for registration to vote in this election.
November 8 (E)	ELECTION DAY Polls open at 7 am and close at 8 pm

III. BEFORE SUBMITTING BALLOT ARGUMENTS . . .

Public Review of Ballot Simplification Committee Digests, Financial Analyses and Other Material About Ballot Measures that will be Printed in the Voter Information Pamphlet

- **About the San Francisco Voter Information Pamphlet**

San Francisco has had a long tradition of producing voter information pamphlets to provide information about candidates and ballot measures to voters in advance of each election. San Francisco's publication of ballot arguments for and against local ballot measures dates to at least 1924. In addition to other material, the voter pamphlet contains:

- ♦ A sample ballot;
- ♦ the identification of each measure by letter and title;
- ♦ the digest of each measure prepared by the Ballot Simplification Committee;
- ♦ the City Attorney's statement or question for each measure;
- ♦ the Controller's financial analysis of each measure;
- ♦ an explanation of how the measure qualified for submission to the voters;
- ♦ the full text of each measure; and
- ♦ opponent, proponent, rebuttal and paid arguments, if any, for and against each measure.

Before submitting arguments for or against a measure, individuals and entities have the opportunity to review materials such as the Ballot Simplification Committee digest and financial analysis of the measure. See section II for information about the period for public review of these materials.

- **The Ballot Simplification Committee Digest**

The Ballot Simplification Committee (BSC) reviews and writes a digest for each local measure. The digest includes four subsections:

- ♦ The Way It Is Now;
- ♦ The Proposal;
- ♦ A "Yes" Vote Means; and
- ♦ A "No" Vote Means.

The purpose of the digest is to inform voters of the purpose of the proposed measure in a fair and impartial manner, using language as close to the eighth-grade reading level as possible. Digests are usually limited to 300 words. The BSC conducts its work in public meetings. For information about meetings of the BSC, contact the Department of Elections at 554-4375.

The BSC digests will be available for public review starting at noon on August 16, 2005 and ending at noon on August 26, 2005. During this ten-day period, any San Francisco voter may seek a court order requiring that a digest be amended or deleted. A court may amend or delete a digest only if the voter demonstrates by clear and convincing evidence that the digest is false, misleading or inconsistent with State and local elections laws, and that the amendment or deletion will not substantially interfere with the printing or distribution of the Voter Information Pamphlet. (California Elections Code §§ 9295, 13313.)

- **Ballot Title, Ballot Question and Financial Analysis**

After the BSC completes the digests for proposed ballot measures, the Director of Elections prepares the official title used to identify each ballot measure, the City Attorney prepares the question that is printed on the ballot for each measure, and the Controller prepares a financial analysis of each measure.

These materials, like the BSC digests, will be available for public review starting at noon on August 16, 2005 and ending at noon on August 26, 2005. As with BSC digests, any San Francisco voter may, during the ten-day period, ask a court to amend or delete the material, and a court may grant this relief under limited circumstances. (California Elections Code §§ 9295, 13313.)

IV. WHO MAY SUBMIT BALLOT ARGUMENTS?

SF MEC § 530

The following may author or co-author ballot arguments for or against any local ballot measure:

- ◆ The Board of Supervisors, or any member or members of the Board of Supervisors authorized by that body;
- ◆ the Mayor;
- ◆ any proponent of an initiative measure or a referendum (the person or persons who published the notice of intention to circulate the initiative or referendum petition);
- ◆ any individual voter who is eligible to vote on the measure, or group of such voters; or association or organization; or
- ◆ any combination thereof.

The Department of Elections cannot accept a ballot argument unless that argument is signed by each author. See section VIII for more information about signature authorizations.

V. PROPONENT AND OPPONENT ARGUMENTS

MEC §§ 535, 540, 545, 550

Last Day to Submit: August 19, 2005, noon

Word Limit: 300

For each local ballot measure, the Department of Elections will print in the Voter Information Pamphlet, free of charge, one argument supporting and one argument opposing the measure. These arguments are called proponent and opponent arguments. Anyone who is eligible to submit a ballot argument (see section IV for information about who may submit ballot arguments) may submit proposed proponent or opponent arguments.

The Department prints the proponent and opponent arguments concerning a measure on the page immediately following the Ballot Simplification Committee digest of the measure as well as the Controller's financial analysis of the measure and the explanation of how the measure qualified for submission to the voters.

- **Selection of Proponent and Opponent Arguments**

If the Department of Elections receives more than one proposed proponent or opponent argument for a measure, the Department will select one proponent and one opponent argument according to the following order of priority:

Selection of Proponent Arguments:

- 1) The proponent of an initiative petition; or the Mayor, the Board of Supervisors or four members of the Board of Supervisors if the measure is submitted by the same.
- 2) The Board of Supervisors, or any member(s) designated by the Board.
- 3) The Mayor.
- 4) Any individual registered San Francisco voter, group of registered San Francisco voters, association or organization, or combination thereof.

Selection of Opponent Arguments:

- 1) In the case of a referendum, the person who files a referendum petition with the Board of Supervisors.
- 2) The Board of Supervisors, or any member(s) designated by the Board.
- 3) The Mayor.
- 4) Any individual registered San Francisco voter, group of registered San Francisco voters, association or organization, or combination thereof.

If the Department of Elections receives no proposed proponent or opponent argument for a measure from persons in priority levels no.1-3, but does receive more than one such proposed argument from persons in priority level no.4 (individual voters, groups of voters or associations or organizations), the Department will use a lottery to select the proponent or opponent.

- **Assignment of the Right to Submit a Proponent or Opponent Argument**

Under certain circumstances, persons selected as the proponent or opponent for a particular measure may assign the right to submit the argument.

Specifically, when the proponent of an initiative petition, the Mayor, the Board of Supervisors or members designated by the Board are selected to submit the *proponent* argument, they may assign the right to submit the argument to another person.

NOTE: When an individual voter, group of voters, association, organization or combination thereof is selected to submit the proponent argument, the person selected may *not* assign the right to submit the argument to another person.

When the person who filed a referendum petition, the Mayor, the Board of Supervisors or any members designated by the Board are selected to submit the *opponent* argument, they may assign the right to submit the argument to another person.

NOTE: When an individual voter, group of voters, association, organization or combination thereof is selected to submit the opponent argument, the person selected may *not* assign the right to submit the argument to another person.

VI. REBUTTAL ARGUMENTS

MEC §§ 535, 550

Last Day to Submit: August 23, 2005, noon

Word Limit: 250

After the Department of Elections selects one proponent and opponent argument for each measure, the Department sends copies of both arguments to the persons selected. The proponent may submit a rebuttal to the opponent argument, and the opponent may submit a rebuttal to the proponent argument. The Department prints the rebuttal arguments on the same pages of the Voter Information Pamphlet as the proponent and opponent arguments concerning the measure. **NOTE:** If no proponent or opponent argument is submitted for a measure, the Department will not accept or publish any rebuttal arguments for that measure.

- **Assignment of the Right to Submit a Rebuttal Argument**

The author or authors of a proponent or opponent argument may assign to another person the right to submit a rebuttal argument, provided that the other person is eligible to submit an argument (see section IV for information about who may submit arguments). The Department of Elections will *not* accept a rebuttal argument from anyone other than the proponent or opponent unless the Department receives, with the rebuttal, a signed statement (with an original signature) from the proponent or opponent that clearly assigns the right to submit the rebuttal.

VII. PAID ARGUMENTS

MEC §§ 535, 555, 560, 565, 570

Last Day to Submit: August 24, 2005, noon

Word Limit: 300

Publication Fee: \$200.00 plus \$2.00 per word

- **Submission of Proposed Proponent and Opponent Arguments as Paid Arguments**

Any person submitting an argument for selection as a proponent or opponent argument may separately submit the same argument as a paid argument, along with the publication fee or a petition in-lieu of the publication fee (the fee and petition are discussed below). If the argument is selected as a proponent or opponent argument, the Department of Elections will return any payment received for publication of the argument. The Department prints paid arguments in the Voter Information Pamphlet on the pages immediately following the proponent, opponent and rebuttal arguments concerning the same measure.

- **Payment of Fee & Disclosure of True Source of Payment**

Any person submitting a paid ballot argument must pay a publication fee of \$200.00 plus \$2.00 per word (see section VIII for information about counting words to calculate the fee). The fee must be paid at the time the argument is submitted, and may be paid by personal check, money order or cash. **NOTE:** Because submitters sometimes under-count the number of words in an argument, the Department of Elections recommends that the submitter over-estimate the cost. The Department will refund any overpayment (refunds are discussed in section VIII of this guide).

Any person submitting a paid ballot argument must disclose the true source of the funds used for payment of the publication fee. This information must be included on the *Ballot Argument Control Sheet*. This information will appear below the paid argument, after the names of the authors, as follows:

The true source of funds for the printing fee of this argument is (insert name).

If the source of the funds used for payment of the fee is a "recipient political committee" under the Political Reform Act, California Government Code Section 82013(a), the person submitting the ballot argument must disclose the names of the three contributors whose cumulative contributions are the largest contributions received by the committee during the six months immediately preceding submission of the ballot argument. (For information about who qualifies as a "recipient political committee," please contact the San Francisco Ethics Commission at 415-581-2300 or the California Fair Political Practices Commission at 866-275-3772.)

This additional information will appear below the paid argument as follows:

The three largest contributors to the true source recipient committee are: 1. (name of highest contributor) 2. (name of second highest contributor) 3. (name of third highest contributor)

- **Submission of Petition Signatures in Lieu of Fee**

Any person submitting a ballot argument may submit a petition containing signatures of San Francisco voters in lieu of the publication fee ("fee petition"). Each signature reduces the publication fee by \$0.50.

Each fee petition must include a copy of the complete text of the proposed argument and must be submitted in the format prescribed by the Director of Elections (see Attachment no. 3 to this guide). Any registered San Francisco voter may circulate and/or sign a fee petition, and voters may sign fee petitions for more than one argument concerning the same measure. The procedures and requirements for submitting fee petitions are discussed in section VIII of this guide.

- **Underpayment, Overpayment & Refunds**

Any person submitting a ballot argument will have a limited opportunity to correct any underpayment or shortfall in the number of signatures on the fee petition. **NOTE:** The Department of Elections strongly recommends that all ballot arguments be submitted ahead of the legal deadlines, but this is particularly important for paid arguments. Early submission makes it more likely that an underpayment or shortfall in the number of fee petition signatures will be identified and corrected *before* the legal deadline for submission of paid arguments. If the underpayment or shortfall is discovered *after* the legal deadline for submission of paid arguments, the person will have only 24 hours to correct the problem.

In addition to early filing, the Department of Elections recommends that any person submitting a ballot argument overestimate the fee. The Department will refund overpayments of \$14.00 or more.

The Department of Elections will *not* refund payments for arguments that are withdrawn after the deadline for submission, or that are not printed because the Department of Elections determines that the author is not eligible to submit a ballot argument.

VIII. HOW TO SUBMIT A BALLOT ARGUMENT: PROCEDURES & REQUIREMENTS

There are four steps to submitting ballot arguments.

1. Draft the Argument.

The argument may not exceed the word limit and, under certain circumstances, may not mention a person unless that person consents.

- **The argument may not exceed the word limit.**

Proponent, opponent and paid arguments may not exceed 300 words. Rebuttal arguments may not exceed 250 words. The following rules govern the word count:

- ♦ **Authors.** The names of the authors, and any titles or identifying information about the authors are counted toward the word limit. **NOTE:** "Joe Smith" counts as two words. "Joe Williams-Smith" also counts as two words.
- ♦ **Geographic names.** Proper geographic names (such as "San Francisco") are counted as one word. Building names and areas (for example, "City Hall" and "Bay Area") are not proper geographic names and each count as two words. **NOTE:** "San Franciscans" counts as two words.
- ♦ **Numbers and Dates.** Numbers and dates written in numerals (such as 100 or 11/7/00) are counted as one word, but numbers and dates written as words are counted by the actual number of words (for example, "one hundred" counts as two words, and "November 7, 2000" counts as three words).
- ♦ **Hyphenated Words.** Word combinations that are hyphenated (which appear hyphenated in any generally available standard reference dictionary published in the United States in the last 10 calendar years) are counted as one word.
- ♦ **Punctuation.** Punctuation is not counted.
- ♦ **True Source of Funds.** Disclosure of the true source of funds for paid ballot arguments does not count toward the word limit (or calculation of the publication fee).
- ♦ **Initials.** Initials count as one word.
- ♦ **Abbreviations and Contractions.** Abbreviations and contractions each count as one word.
- **Written consent must be obtained from each person mentioned in the text of the argument.**

If a ballot argument states that an individual or entity, other than an author, supports or opposes the ballot measure, or agrees with or endorses the argument, a completed *Consent Form* (see Attachment no.2 to this guide) is required. The *Consent Form* must be signed by the referenced individual, or an authorized representative of the referenced entity. **NOTE:** If a newspaper of general circulation reports that an individual or entity supports or opposes the ballot measure, and a ballot argument merely restates what has been reported in the newspaper, the Department of Elections may allow the submitter to provide a copy of the newspaper in lieu of a *Consent Form*.

2. Complete the *Ballot Argument Control Sheet*.

The *Ballot Argument Control Sheet* (see Attachment no.1 to this guide) must include:

- ♦ the name and contact information for the submitter;
- ♦ the complete text of the argument, formatted exactly as it should appear in the Voter Information Pamphlet (text may be in bold, italics or bold italics, but not underlined);
- ♦ a count of the total number of words in the argument, including the names of and identifying information about the authors.

- ♦ the names, signatures and any identifying information about the authors, exactly as this information should appear in the Voter Information Pamphlet;

Arguments should be neatly typed, double- or triple-spaced, with a one-inch margin on the right and left sides of the page. The type should be dark enough to ensure that photocopies are legible.

- **Specify Formatting (How the Argument Should Appear in Print)**

The Department of Elections print arguments in the Voter Information Pamphlet in Roman type, with the names of the authors printed in Roman italic type. Submitters may designate portions of the text to be printed in **bold**, *italic*, or ***bold italic*** type. To designate a style: underline the portion of the text and indicate in the left margin "B" for bold, "I" for italic, or "BI" for bold italic. If more than one style change is needed in any one line of text, the submitter should write them in order in the left margin, clearly separated by commas. These style markings may be made by hand. **NOTE:** The Department of Elections will *not* underline argument text, print argument text in columns or print graphics.

- **The argument must be signed by each author.**

Each author must complete the *Signature Authorization* portion of the *Ballot Argument Control Sheet* (see attachment # 1). Authors are the persons whose names will be printed under the argument in the Voter Information Pamphlet. **NOTE:** The author is not required to personally submit the argument to the Department of Elections. Because the person who authors an argument may be different from the person who submits the argument, this guide generally refers to "submitters" as the persons who actually deliver the argument and supporting material to the Department.

When the author of an argument is an association or organization, the argument must be signed by at least one of the organization's principal officers who is a registered San Francisco voter. The officer must complete the *Signature Authorization* portion of the *Ballot Argument Control Sheet*, and clearly indicate whether the officer's name should be printed in the Voter Information Pamphlet as a co-author along with the name of the entity.

NOTE: If there is more than one author, the submitter must submit one *Ballot Argument Control Sheet* per author, with the author's original signature (preferably in bold, blue ink).

Authors of ballot arguments may include identifying information to be printed under the argument along with their name. For example, an author may list his or her title, occupation or affiliation with an organization. The *Signature Authorization* portion of the *Ballot Argument Control Sheet* must clearly and legibly indicate the author's name and any title or other identifying information. **NOTE:** The names of and identifying information about authors are counted toward the word limit.

3. **Submit the Material to the Department of Elections.**

- **Submit the *Ballot Argument Control Sheet(s)*, with the original signature of the author(s), along with any *Consent Forms***

Any person submitting a ballot argument must deliver to the Department of Elections a completed *Ballot Argument Control Sheet* and any *Consent Forms*, and in the case of paid arguments the publication fee or a fee petition, no later than the legal deadline. (See section II of this guide for all deadline information.) ALL signatures and other supporting documents, as well as the text of the argument, are due no later than the deadline. The Department has no authority to extend the deadlines.

NOTE: The Department does not permit filing by email or by fax. The Department does accept fax copies of *Ballot Argument Control Sheets* and *Consent Forms*, in lieu of signed originals, provided that the Department receives the signed originals within 24 hours of the legal deadline.

- **Submit an Electronic Copy of Each Argument on a Separate Computer Disk**

The Department of Elections recommends that each person who submits a ballot argument provide an electronic copy of the argument to the Department. Electronic copies should be submitted on a separate 3½" computer disk formatted for use on an IBM-PC compatible computer in one of the following formats: WordPerfect 5.0 or 5.1,

or WordPerfect for Windows 6.0, MS-Word, MS-Word for Windows. The person submitting the argument should label the disk with the person's name and contact information. Electronic copies may also be submitted by email.

Although not required, it is in the interest of each person who submits a ballot argument to provide the Department of Elections with an electronic copy. First, providing an electronic copy reduces the possibility of a transcription error. Second, providing an electronic copy expedites typesetting, so typeset copies are available for review sooner.

NOTE: Even if the person submits an electronic copy of the argument on computer disk or by email, the person must still submit a completed *Ballot Argument Control Sheet* by the legal deadline. If there is any question about the content or format of an argument, the Department of Elections will refer to the *Ballot Argument Control Sheet*.

- **Provisional Acceptance & Notice of Defective Submission**

The Department of Elections will *provisionally* accept a ballot argument if the person submitting the argument delivers, on or before the legal deadline, a completed *Ballot Argument Control Sheet*. In the case of paid arguments, the Department will *provisionally* accept the argument if it is submitted with the estimated fee, or with the minimum number of fee petition signatures required, or a combination of money and signatures. The Department will review the material as soon as possible to determine whether these materials are sufficient.

The Department will verify whether each author, and each officer who signs a ballot argument on behalf of an entity, is a registered San Francisco voter. If an author is not a registered voter, the Department will remove the author from the argument. If there is no co-author, the Department will *not* publish the argument. If only one officer signs a ballot argument on behalf of an entity, and the officer is not a registered voter, the Department will *not* publish the argument.

The Department will determine whether *Consent Forms* are required and, if so, whether the necessary forms have been submitted with the argument. If consent is required but the necessary forms have not been provided, the Department will notify the submitter and allow the submitter 24 hours to obtain and submit proof of consent.

The Department will verify the word count and confirm that the argument does not exceed the word limit. If the argument exceeds the word limit, the Department will notify the submitter and allow the submitter 24 hours to reduce the word count. No editorial changes may be made other than deleting words, even if the deletions make for improper or awkward grammar. If the submitter fails to reduce the word count, the Department will *not* publish the argument.

In the case of paid arguments, the Department will verify that the fee, fee petition or combination of the two is sufficient. In case of underpayment, the Department will notify the submitter. If the underpayment is discovered *before* the legal deadline for submitting paid ballot arguments, the Department will allow the submitter 24 hours or until the legal deadline (whichever is later) to reduce the word count, submit more fee petition signatures, or pay the balance due. If the underpayment is discovered *after* the legal deadline for submitting paid ballot arguments, the Department will allow the submitter 24 hours to reduce the word count or pay the balance due (the Department will not accept additional fee petition signatures). If the submitter fails to reduce the word count, submit more signatures or pay the balance due, the Department will *not* publish the argument.

- **Refunds**

The Department will refund payment received for printing a ballot argument if the Department doesn't print the argument because:

- ♦ the argument exceeds the word limit;
- ♦ the payment (or combined payment and fee petition) is insufficient; or
- ♦ the author or authors withdraw the argument before the deadline.

The Department will refund any overpayment of \$14.00 or more.

The Department will *not* refund payments received for printing a ballot argument if the Department declines to print the argument because:

- ♦ the author is not eligible to submit a ballot argument;
- ♦ the officer who signed the argument on behalf of an organization is not a registered San Francisco voter; or

4. Proofread the Typeset Argument.

The Department of Elections makes copies of typeset ballot arguments (as the arguments will appear in the Voter Information Pamphlet) available for public review as soon as the copies are available. The Department recommends that each person who submits a ballot argument review the typeset copy and notify the Department of any discrepancy between the typeset copy and the *Ballot Argument Control Sheet*. Contact the Department at 554-4375 for information about when the typeset copies will be available.

**IX. CORRECTION OF GRAMMATICAL AND SPELLING ERRORS,
MODIFICATION AND WITHDRAWAL OF BALLOT ARGUMENTS**

MEC § 535

Last Day to Change or Withdraw
Proponent & Opponent Arguments: August 19, 2005, noon

Last Day to Correct
Grammatical and Spelling Errors in
Proponent & Opponent Arguments: August 22, 2005, noon

Last Day to Change or Withdraw
Rebuttal Arguments: August 23, 2005, noon

Last Day to Correct
Grammatical and Spelling Errors in
Rebuttal Arguments: August 25, 2005, noon

Last Day to Change or Withdraw
Paid Arguments: August 24, 2005, noon

Last Day to Correct
Grammatical and Spelling Errors in
Paid Arguments: August 25, 2005, noon

The author of a ballot argument may change or withdraw a ballot argument at any time up until the deadline for submission of that argument. To change or withdraw an argument, the author must submit to the Department of Elections a written and signed statement clearly indicating the change or withdrawal. The Department may require the submitter to complete a new *Ballot Argument Control Sheet*. The author cannot withdraw his or her name or signature authorization after the legal deadline.

The author of a ballot argument may correct grammatical and spelling errors in an argument at any time up until the deadline listed above. The Director of Elections determines what constitutes a grammatical or spelling error, and this determination is final. To correct an argument, the author must submit to the Department of Elections a written and signed statement clearly indicating the correction, and the Department may require the submitter to complete a new *Ballot Argument Control Sheet*.

X. PUBLIC REVIEW AND CHALLENGES TO BALLOT ARGUMENTS

MEC § 590

Public Review of
Proponent & Opponent Arguments: August 23, noon – September 5, noon

Public Review of
Rebuttal Arguments: August 25, noon – September 5, noon

Public Review of
Paid Arguments: August 26, noon – September 5, noon

Copies of all material to be printed in the Voter Information Pamphlet will be available for public inspection at the Department of Elections during regular business hours, Monday through Friday, 8:00 a.m. through 5:00 p.m.

During this public review period, any San Francisco voter may seek a court order requiring that a ballot argument be amended or deleted. A court may amend or delete a ballot argument only if the voter demonstrates by clear and convincing evidence that the argument is false, misleading or inconsistent with State and local elections laws, and that the amendment or deletion will not substantially interfere with the printing or distribution of the Voter Information Pamphlet. (California Elections Code §§ 9295, 13313.)]

XI. ANSWERS TO FREQUENTLY ASKED QUESTIONS

Does the Department of Elections have the authority to change ballot arguments?

No. The Department of Elections has no authority to edit or delete a ballot argument, even if the Department believes the argument is false or misleading. Only a court may edit and delete ballot arguments.

Who verifies the accuracy of statements made in ballot arguments?

The person submitting a ballot argument is responsible for the accuracy of the claims made in the argument. The Department of Elections does not verify the accuracy of arguments, or edit arguments for correct spelling or grammar. The Department prints arguments exactly as submitted.

If I submit my ballot arguments before the deadline, or if I submit a large number of ballot arguments, can I get a discount on the publication fee?

No. The Board of Supervisors sets the publication fee by ordinance, so the Department of Elections has no authority to reduce or waive the fee under any circumstance.

How can I ensure that my paid argument will appear as the first paid argument in the Voter Information Pamphlet?

To the extent possible, the Department of Elections prints paid ballot arguments in the Voter Information Pamphlet in the order in which the arguments are received. Submitting paid ballot arguments ahead of the legal deadline is recommended for several reasons. In addition to giving the submitter the best opportunity to correct any underpayment and any errors in the argument, early submission makes it more likely that the argument will be printed as one of the first paid arguments for or against the measure.

If the true source of funds for a paid ballot argument is a recipient political committee, and if two or more of the largest contributors to the committee contributed identical amounts, what information must be provided concerning the true source of the funds?

As explained in section VII of this guide, if the source of payment for a paid ballot argument is a "recipient political committee," the person submitting the ballot argument must disclose the names of the three contributors whose cumulative contributions are the largest contributions received by the committee during the six months immediately preceding submission of the ballot argument (please contact the San Francisco Ethics Commission at 415-581-2300 or the California Fair Political Practices Commission at 866-275-3772 for information about recipient political committees).

The person submitting the ballot argument must disclose the highest contributor, second highest contributor, and third highest contributor in that order. If two or more of these largest contributors contributed identical amounts, the person submitting the argument must disclose the three largest contributors based on chronological order. No person is required to disclose more than three contributors.

For example, if there are a total of five contributors to the committee, and each contributed the same amount during the six-month period, the person submitting the argument must disclose the three contributors who contributed first.

If the true source of funds for a paid ballot argument is a recipient political committee, and if there were fewer than three contributors to the committee during the six month period, what information must be provided concerning the true source of the funds?

If there were only two contributors to the committee during the six month period, the person submitting the ballot argument must disclose the highest contributor and second highest contributor, in that order. If there was only one contributor to the committee during the six month period, the person submitting the ballot argument must disclose the single contributor. No person is required to disclose information about contributors who contributed before the six month period.

Are the individuals who sign a petition in-lieu of the publication fee considered to be the authors of the ballot argument?

No. The individuals who sign a petition in-lieu of the publication fee are not considered to be the authors of the ballot argument. Only those person or persons who complete the *Signature Authorization* portion of the *Ballot Argument Control Sheet* are authors.

Can I submit ballot arguments by fax or e-mail?

No. Any person submitting a ballot argument must deliver a signed original of the *Ballot Argument Control Sheet* and any *Consent Forms* before the legal deadline. However, the Department of Elections will accept a fax or email copy only if an exact duplicate with an original signature is delivered to the Department within 48 hours after the deadline (or the following business day if the legal deadline falls on a Friday).

If I submit a paid ballot argument before the legal deadline, will other people be able to see my argument?

No. Paid arguments submitted in advance of the deadline will not be available for public inspection until after the deadline.

Does the Department of Elections allow the author of a ballot argument to review the typeset copy of the argument before making the typeset copy available for public review?

No. The Department of Elections makes typeset copies of ballot arguments available for public review as soon as they are ready.

What if there is a typesetting error in the Voter Information Pamphlet that is discovered after the Pamphlet has been printed?

The Department of Elections makes every effort to ensure that arguments appearing in the Voter Information Pamphlet are typeset correctly. The Department recommends that each person who submits a ballot argument review the typeset copy and notify the Department of any discrepancy between the typeset copy and the *Ballot Argument Control Sheet*. Contact the Department at 554-4375 for information about when the typeset copies will be available. If the Department discovers a substantive error after the Pamphlet has been printed, the Department will publish a notice of the corrections in three local newspapers on three consecutive days, one week prior to the election.





